

Article - Public Safety

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§3-511. IN EFFECT

On or before January 1, 2016, the Maryland Police Training and Standards Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by a law enforcement officer that addresses:

- (1) the testing of body-worn cameras to ensure adequate functioning;
- (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift;
- (3) when recording is mandatory;
- (4) when recording is prohibited;
- (5) when recording is discretionary;
- (6) when recording may require consent of a subject being recorded;
- (7) when a recording may be ended;
- (8) providing notice of recording;
- (9) access to and confidentiality of recordings;
- (10) the secure storage of data from a body-worn camera;
- (11) review and use of recordings;
- (12) retention of recordings;
- (13) dissemination and release of recordings;
- (14) consequences for violations of the agency's body-worn camera policy;
- (15) notification requirements when another individual becomes a party to the communication following the initial notification;

(16) specific protections for individuals when there is an expectation of privacy in private or public places; and

(17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers.

§3-511. ** TAKES EFFECT JULY 1, 2022 PER CHAPTER 60 OF 2021 **

(a) In this section, “law enforcement agency” has the meaning stated in § 3-201 of this title.

(b) On or before January 1, 2016, the Maryland Police Training and Standards Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by a law enforcement officer that addresses:

- (1) the testing of body-worn cameras to ensure adequate functioning;
- (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer’s shift;
- (3) when recording is mandatory;
- (4) when recording is prohibited;
- (5) when recording is discretionary;
- (6) when recording may require consent of a subject being recorded;
- (7) when a recording may be ended;
- (8) providing notice of recording;
- (9) access to and confidentiality of recordings;
- (10) the secure storage of data from a body-worn camera;
- (11) review and use of recordings;
- (12) retention of recordings;
- (13) dissemination and release of recordings;

(14) consequences for violations of the agency's body-worn camera policy;

(15) notification requirements when another individual becomes a party to the communication following the initial notification;

(16) specific protections for individuals when there is an expectation of privacy in private or public places; and

(17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers.

(c) (1) (i) This paragraph applies to:

1. the Department of State Police;
2. the Anne Arundel County Police Department;
3. the Howard County Police Department; and
4. the Harford County Sheriff's Office.

(ii) On or before July 1, 2023, a law enforcement agency to which this paragraph applies shall require the use of body-worn cameras, subject to the policy on the use of body-worn cameras developed by the law enforcement agency, by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties.

(2) On or before July 1, 2025, a law enforcement agency of a county, other than a law enforcement agency described in paragraph (1) of this subsection, shall require the use of body-worn cameras, subject to the policy on the use of body-worn cameras developed by the law enforcement agency, by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties.

(d) (1) A law enforcement agency described in subsection (c) of this section shall develop and maintain a written policy consistent with the policy published by the Maryland Police Training and Standards Commission under subsection (b) of this section for the use of body-worn cameras.

(2) A policy developed and maintained under paragraph (1) of this subsection shall specify which law enforcement officers employed by the law enforcement agency are required to use body-worn cameras.

(e) A body-worn camera that possesses the requisite technological capability shall automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

(f) A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with this section through collective bargaining.

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